

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-241-D**

ISAIAH WAIDLER STAYTON,
a/k/a BENJAMIN ISHIYAH MIRNYY
DUKHOVNYY VOIN BAY,
Plaintiff,
v.
OFFICER K.C. JENNINGS,
Defendants.

ORDER

On October 15, 2015, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 6]. In that M&R, Judge Swank recommended that plaintiff’s application to proceed in forma pauperis be allowed and that plaintiff’s complaint be dismissed as frivolous. Plaintiff did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff's application to proceed in forma pauperis is GRANTED,

and plaintiff's complaint is DISMISSED as frivolous. The clerk shall close the case.

SO ORDERED. This 27 day of January 2016.



JAMES C. DEVER III
Chief United States District Judge